

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JOSE RAMON VEGA ARROYO

Case No. 13-00415 EAG

Debtor

CHAPTER 13

MOTION TO WITHDRAW AS COUNSEL

COMES NOW counsel for the appellant, Nydia Gonzalez Ortiz, and moves to withdraw as counsel pursuant to BAP Local Rule 9010-1, and local Bankruptcy Rules for Puerto Rico, for the following reasons:

1. On August 13, 2020, the Court issued an opinion and order which affects the debtor's rights. See Bank docket no. 212

2. That as the debtor is a very elderly person in his late (80) eighties, with medical conditions that prevent him from meeting personally with counsel because of Covid-19 pandemic, the decision was informed to him in a lengthy telephone conversation.

3. The debtor requested that the case be appealed, even though we informed the debtor that we were still researching on the potential issues on appeal.

4. On September 10, 2020, in order to preserve the debtor's right to appeal, a formal Notice of Appeal was filed before this Honorable Court.

5. That since the filing of notice of appearance, the undersigned attorney has tried to contact the debtor on several occasions for further proceedings related to the case, to no avail.

6. That currently there is no effective communication with the debtor or any person related to him that can give us access to discuss the matters pertaining to the case. This being a vital matter where there are bar dates to comply with.

7. It has come to our attention that Mr. Jose Ramon Vega Arroyo has been seeking to speak to and hire other attorneys regarding this case, in as much as three attorneys have contacted us to inquire about the case and its proceedings.

8. At this time the undersigned attorney and Mr. Vega Arroyo have conflicting opinions on how to proceed with the case, and the lack of communication between the client and attorney are further complicating these irreconcilable differences.

9. That BAP Local Rule 9010-1, Entry of Appearance and Admission to Practice provides as follows: “(2) obtaining an order of the Panel allowing the attorney to withdraw. The Panel may grant such an order if an attorney files and serves on opposing counsel and the attorney’s client a motion to withdraw as counsel. Any motion to withdraw shall include the client’s current address and telephone number.”

10. Counsel believes, after a conscientious examination of the present situation that it is in the best interest of the parties to request permission to withdraw from further representation of the debtor-appellant.

11. That in protection of the rights of Mr. Vega Arroyo it is also requested that all proceedings pending before this court be held in abeyance for thirty (30) day until debtor- appellant retains new counsel.

12. The undersigned counsel has served a copy of this motion on appellant. By letter sent with the copy of the motion, counsel has also informed appellant in writing of his right to respond to the motion within fourteen (14) days. Sent by certified mail to the following address P.O. Box 1654, Lajas, Puerto Rico 00667, last known address in master address list.

WHEREFORE, the undersigns prays that the court take notice of the stated in this motion which is good cause to request withdrawal of representation and that the debtor be allowed 30 days to inform new counsel.

14 DAYS NOTICE: The Debtor, trustee, creditors and parties in interest are hereby notified that within (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Red. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (I) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise. If no response is filed within the prescribed period of time the Court may enter an order granting the relief here requested.

CERTIFICATE OF SERVICE: I hereby certify that on September 16th, 2020, I electronically filed the present motion, with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all CM/ECF participants. Also, I hereby certify that I have mailed by United States Postal Service the present motion to the following non CM/ECF participants as per the attached mailing list.

In Yauco, Puerto Rico, this 16th day of September 2020.

/s/ Nydia González Ortiz

NYDIA GONZALEZ ORTIZ, ESQ

USDC-PR 124006

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